

UNITED STATES DISTRICT COURT

10 AUG 26 AM 9:37

CLERK-SANTA FE

Case: 6:6a9-cv07941-BB

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, on the relation

The State Engineer,

Plaintiff,

v.

ROMAN ARAGON, et al,

Defendants.

No. 69cv-07941-BB

Rio Chama Stream System

Section 1 (mainstream)

MEMORANDUM:

CONTINUAL RESPONSE TO THE STATE OF NEW MEXICO TO EXCLUDE ADDITIONAL EVIDENCE BY PRO-SE PARTY, david ortiz, COMMISSIONER, ACEQUIA de CHAMITA .

The State of New Mexico, ex rel, State Engineer, et el, Plaintiffs who are supposed to protect and defend individual rights of its citizens under the State Constitution, under the treaty of Guadalupe Hidalgo and under the Constitution of the United States of America, instead are trying to exclude the voice of the minority. These are God given rights. No matter how insignificant it may seem. (1600 vs August 11, 1598)

The woman who stands in the entrance to the Court house at 333 Lomas Blvd N.W., the Pete V. Dominici Bldg. is blindfolded extending a balance, presumably to receive and weigh evidence, put on the scales of Justice, brought in by those who walk through those doors. The woman is not blind, deaf or dumb. She is also a symbol of Wisdom and Justice and Judgement and let us not forget equity.

At issue is the evidence presented to the Special Master at the 1996 hearings on disputed Priorities of the Acequias de Chamita, Hernandez and Salazares, (that we claim no one from the Acequia de Chamita saw until January 13, of 2010), agreed to by 2 historians. Special Master Vickie Gabin could not make a different recommendation than she did with the evidence she was provided by the historians. AND NEITHER CAN THE COURT.

This is the issue, IS THE EVIDENCE PRESENTED BY THE HISTORIANS IN 1996 SKEWED?

The State in Doc.9597, filed on 2/20/2010 makes an eloquent statement on page 2, 2<sup>nd</sup> par from the bottom, when correcting and refining the expert historians inaccurate evidence; QUOTE: While the above requested modifications may seem minor in nature, the State makes these requests because questions regarding the historical events in this area are likely to arise in other contexts in these proceedings. For this reason, the courts adoption of findings of fact should be as accurate as possible to avoid confusion and the need for clarification in the future. (end quote) And the future came and went and now is. The State won't let us question the historians accuracy 14 years later but they questioned it. And so should the Court.

While the States expert Lawyers were finding "minor" discrepancies in the expert historians report, did they miss some in Doc.9546, page 3; stipulated facts agreed to by ex and pert historians.

#1. (partial quote)....he was accompanied by 10 Franciscan Friars and 129 citizen-soldiers and their families. So much for accuracy. He could at least have used the numbers he has in his book, ("To the Ends of the Earth", Stanley Hordes; 2005) page 117; 460 people, 129 soldiers, an almost equal number of women and children and 200 others, including a mix of free and servant Indians, blacks, mestizzos and mulattos. We have an even more exact numbers in our documents, including the animals. Additionally we can tell you in what order the different animals marched.

#2. (quote) The Onate expedition arrived at the present San Juan Pueblo on July 11, 1598. Who and how many arrived on July 11, 1598 and what did they do for the next 30 days until they began the irrigation ditch on August 11, 1598? And who arrived on August 18, 1598? And did they arrive at San Juan Pueblo on August 11, 1598 or did they arrive at an Indian pueblo which they named San Juan? How many plazas did this pueblo have and where were they? And which one did they name, " San Juan y de los Caballeros"?

#3. (quote) Onate initiated a project to build an acequia on the "east" bank of the Rio Grande. In what chapter and page does it say, "east bank" of the Rio Grande? He is quoting another historian in the introduction. By the way he does not footnote it either. (H/R, Onate the Colonizer) They sure want the "east bank" in a bad way.

#4. Shouldn't there at least be a small note of the settlers moving to a new settlement across the river in 1600? Maybe they occupied that partially abandoned settlement when they got there on July 11, 1598. But if it was there in 1598, it already existed, and it wasn't new was it State, Plaintiff? Had the 460 settlers with 63 loaded ox carts and 7,000 animals worn out their welcome on the "east bank" after 2 years?

#5. (quote) The Spanish settlers promptly established an irrigation system at San Gabriel. References please? Did they use 15 Indians? 150? 1500?

And when did they start Hernandez? And Salazar's? The historian hints at moving in December when the reinforcements arrived. Did they start the irrigation ditch in December?

How dare a dirt farmer question an expert historian's accuracy. Maybe the state should have done it? Or maybe the Court should? There is mention of only one irrigation ditch being dug on August 11, 1598. How in the world can anybody find 3 irrigation ditches dug in 1600?

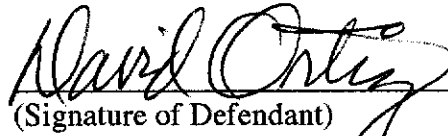
Problem with the historians is they tell stories without fact to support it.

THE QUESTION IS; WILL THE STATE AND THE COURT ACCEPT THE SKEWED REPORT OF THE EXPERT HISTORIANS? PLEASE REVIEW "ALL" THE EVIDENCE.

AS A CITIZEN, EVIDENCE DENIED IS JUSTICE DENIED.

Case: 6:69-cv-07941-BB

Respectfully submitted by defendant David Ortiz



(Signature of Defendant)

David Ortiz, Commissioner/Treasurer,  
Acequia de Chamita

DAVID ORTIZ

(Printed name of Defendant)

P.O. Box 1082

(Street address or P.O. Box)

SAN JUAN PUEBLO, NM

(City, State and Zip Code)

MAP 22

TRACT 17

SubFile 267



David Ortiz  
PO Box 1082  
San Juan Pblo, NM 87566

**RECEIVED**  
AT SANTA FE

AUG 26 2010

**MATTHEW J. DYKMAN**  
CLERK

OFFICE OF THE CLERK  
UNITED STATES DISTRICT COURT  
106 SOUTH FEDERAL PLACE  
SANTA FE, NEW MEXICO 87501

8750131302

